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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,547	08/11/2000	Richard Koenig	110273.00102	8847
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BROWDY AND NEIMARK, P.L.L.C.			HWANG, JOON H	
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SUITE 300			PAPER NUMBER	
WASHINGTON, DC 20001-5303			2166	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/636,547

Applicant(s)

KOENIG, RICHARD

Examiner

Joon H. Hwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 62, 64 and 66-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 62, 64, 66-70, 72 and 73 is/are rejected.
- 7) ☒ Claim(s) 71 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The applicant amended claim 62 and added new claims 69-73  
The pending claims are 62, 64, and 66-73.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 62 have been considered but are moot in view of the new ground(s) of rejection.

The applicant added in claim 62 the limitations of a match data structure and the priority being specifiable. These claims are addressed in the following rejection.

### ***Claim Objections***

3. Claims 62 and 69 are objected to because of the following informalities:
  - "said data structure" in claim 62, lines 48-49, should be "said match data structure"; and
  - "such structure" in claim 69, line 42, should be "such access control data structure".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 62 and 72-73 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitation, "an expert is not excluded from said match data structure merely because, in one or more categories, the expert's level of expertise is less than the customer's desired level of expertise", of claim 62 is not supported by the specification and/or drawings.

In claim 72, the limitation, "the ranking penalizes an expert whose level of expertise in a category is less than the customer's desired level of expertise", is not supported by the specification and/or drawings. The formula at the top of page 36 of the specification does not penalize an expert whose level of expertise is less than the desired level of expertise in ranking. Especially, either "5-MAX" or  $\text{MAX}(0, (\text{ProviderLevel} - \text{RequesterLevel}))$  does not penalize an expert whose level of expertise is less than the desired level of expertise in ranking. Claim 73, further depending from claim 72, is likewise rejected.

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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7. Claims 62, 64, and 66-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 5,862,223) in view of Puram et al. (U.S. Patent No. 6,289,340).

With respect to claim 62, Walker teaches at least one user data structure stored in the medium (i.e., end user database 260 or expert database 255 in fig. 2), the user data structure comprising data concerning one or more users, where for each user, there exists one or more fields providing contact information for the user, where the user may be an expert or a customer (i.e., expert database contains contact information for experts, lines 25-41 in col. 14, and end user database contains contact information for end users, lines 42-49 in col. 14). Walker teaches an expert data structure stored in the medium (i.e., expert database in fig. 2), the expert data structure comprising data concerning one or more experts, where, for each expert, there exists (a) one or more fields defining at least one time period of availability of the expert for performing a project (i.e., expert database contains availability standard information for experts, lines 25-41 in col. 14), and (b) one or more fields defining at least one category of expertise or experience of the expert and a level of expertise or experience of the expert with respect to each such category (i.e., expert qualifications on the expert's professional qualification, such as degrees, experience, etc, line 66 in col. 14 thru line 9 in col. 15). Walker teaches a project data structure stored in the medium (i.e., end user request database 265 in fig. 2), the project data structure comprising data concerning one or more projects, where, for each project, there exists (a) one or more fields identifying the customer within said user data structure (i.e., attaching user id 620 in fig. 6 and line 62

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in col. 16 thru line 12 in col. 17), (b) one or more fields defining at least one desired time period of availability of an expert for performing the project (i.e., attaching criteria 630 for time frame 635 in fig. 6 and lines 13-35 in col. 17), and (c) one or more fields defining the desired level of expertise or experience of the expert in each of one or more categories of expertise or experience (i.e., attaching criteria 630 for qualification and subject 635 in fig. 6 and lines 13-35 in col. 17). Walker does not explicitly disclose one or more fields defining a level of priority to the customer, for the project, of each of the desired levels of (c) above. However, Puram teaches one or more fields defining a level of priority to the customer, for the project, of expertise equaling or exceeding each of the desired levels of (c) above (line 60 in col. 5 thru line 14 in col. 6, fig. 2, and fig. 9), the priority being specifiable independently of the desired level of expertise, wherein the priority (d) is specifiable independently of the desired level of expertise (c) (i.e., an employer identifies a skill level or experience **and** the importance or priority of that skill (emphasis added), line 60 in col. 5 thru line 15 in col. 6) in order to optimize better matching/searching results. Puram also teaches a match data structure resulting from comparison of the expert data structure with the project data structure, the data structure assigning to each expert a match score that takes into account the level of expertise or experience of the expert in each of one or more of the categories, the level of expertise desired by the customer in one or more of the categories, and the priority assigned by the customer to expertise in each of the categories (fig. 10 and fig. 11), and wherein an expert is not excluded from the match data structure merely because, in one or more categories, the expert's level of expertise is less than the customer's desired

level of expertise (i.e., candidate1 who has a less level of expertise in project (row number 7) than the desired level of expertise is not excluded from the match, fig. 11 and lines 12-29 in col. 8). Therefore, based on Walker in view of Puram, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Puram to the system of Walker in order to optimize better matching/searching results.

With respect to claim 64, Walker teaches the expert in biological sciences and the categories of expertise or experience relate to the biological sciences (lines 13-35 in col. 17). The limitations of claim 64 are rejected in the analysis of claim 62 above, and the claim is rejected on that basis.

With respect to claim 66, Walker teaches a data structure indicating the availability of contact information on one user to another user (line 61 in col. 7 thru line 15 in col. 8, lines 35-52 in col. 25, and lines 25-50 in col. 14).

With respect to claim 67, Walker further teaches wherein for each expert, the level of expertise or experience is defined on a hierarchical basis consisting at least two tiers (category/subcategory and level of expert qualification, fig. 15, lines 21-52 in col. 25, and lines 26-29 in col. 17), and for each project, the desired level of expertise or experience is defined on a hierarchical basis comprising at least two tiers (i.e., category/subcategory and level of expert qualification, fig. 15 and lines 21-52 in col. 25). Walker does not explicitly disclose a priority of a level. However, Puram teaches the priority of that desired level is defined on a hierarchical basis comprising at least two tiers (line 59 in col. 3 thru line 5 in col. 4, line 60 in col. 5 thru line 14 in col. 6, fig. 9, and

fig. 10). Therefore, the limitations of claim 67 are rejected in the analysis of claim 62 above, and the claim is rejected on that basis.

The limitations of claims 68 and 70 are rejected in the analysis of claim 67 above, and these claims are rejected on that basis.

With respect to claim 69, Walker teaches at least one user data structure stored in the medium (i.e., end user database 260 or expert database 255 in fig. 2), the user data structure comprising data concerning one or more users, where for each user, there exists one or more fields providing contact information for the user, where the user may be an expert or a customer (i.e., expert database contains contact information for experts, lines 25-41 in col. 14, and end user database contains contact information for end users, lines 42-49 in col. 14). Walker teaches an expert data structure stored in the medium (i.e., expert database in fig. 2), the expert data structure comprising data concerning one or more experts, where, for each expert, there exists (a) one or more fields defining at least one time period of availability of the expert for performing a project (i.e., expert database contains availability standard information for experts, lines 25-41 in col. 14), and (b) one or more fields defining at least one category of expertise or experience of the expert and a level of expertise or experience of the expert with respect to each such category (i.e., expert qualifications on the expert's professional qualification, such as degrees, experience, etc, line 66 in col. 14 thru line 9 in col. 15). Walker teaches a project data structure stored in the medium (i.e., end user request database 265 in fig. 2), the project data structure comprising data concerning one or more projects, where, for each project, there exists (a) one or more fields identifying the



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customer within said user data structure (i.e., attaching user id 620 in fig. 6 and line 62 in col. 16 thru line 12 in col. 17), (b) one or more fields defining at least one desired time period of availability of an expert for performing the project (i.e., attaching criteria 630 for time frame 635 in fig. 6 and lines 13-35 in col. 17), and (c) one or more fields defining the desired level of expertise or experience of the expert in each of one or more categories of expertise or experience (i.e., attaching criteria 630 for qualification and subject 635 in fig. 6 and lines 13-35 in col. 17). Walker teaches one or more of the user, expert or project data structure fields is considered a confidential information field, and an access control data structure stored in the medium, which comprises one or more fields specifying each use's access to confidential information fields concerning another user, such structure permitting the access of an expert to confidential information of a customer to be controlled separately from the customer's access to confidential information for that expert (lines 21-43 in col. 33 and lines 51-57 in col. 36). Walker does not explicitly disclose one or more fields defining a level of priority to the customer, for the project, of each of the desired levels of (c) above. However, Puram teaches one or more fields defining a level of priority to the customer, for the project, of each of the desired levels of (c) above (line 60 in col. 5 thru line 14 in col. 6, fig. 2, and fig. 9) in order to optimize better matching/searching results. Therefore, based on Walker in view of Puram, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Puram to the system of Walker in order to optimize better matching/searching results.

***Allowable Subject Matter***

8. Claim 71 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joon H. Hwang whose telephone number is 571-272-4036. The examiner can normally be reached on 9:30-6:00(M-F).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joon Hwang  
Patent Examiner  
Technology Center 2100

2/3/06

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER